G. R. S. 59] GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

1902
(P V 7)

P. 16

File No. 1—02

Serial Nos. 2 & 3.

~~Papers Filed.~~

Month ~~of~~ August 1902.

SUBJECT.

Memorial from prisoner Thippaya against the order passed by the Chief Court

PREVIOUS REFERENCES.	LATER REFERENCES.
	Indexed. N. B. Thammanna. Countersigned [illegible]

No. of Case.

Prisoner. Thippaza

SECTION P & J

FILE No. 1-02

S R A No.

Criminal Case No. 62 of 1901-02
1st General Asstt Coms
on the file of the 4/ 37 Class Magistrate
of the Tumkur District

2. Court or Courts which tried it.

Tumkur Sessions Case No. 24
of 1901-02 and Criminal Appeal Case
No. 256 of 1901-02 on the file of the Chief Court
First Class Magistrate's Court Tumkur
District and the ~~Sessions~~ Chief Court of the Mysore
~~Division.~~

3. Nature of sentence originally passed and confirmed or altered in appeal.

Sentenced to Transportation
for life by the Chief
Court, & the prisoner's
appeal to that Court
was dismissed.

11th April 1902

Submitted for orders.

4. Date of sentence.

22/7/02

The Memorialist has
been found guilty of
the murder of one
Jayam Busavia with
whom he had come as
a Cartman when he
started in a Cart from
the Puradakatte limits
in Mukkur hobli of the

purpose of collecting grains on account of the Govt. The memorialist drove the Jungum to the village of Govadam Kunta in the Madakasira Taluk (Anantapur District) in the afternoon of the 3rd of Oct. 1901. The Jungum took his supper that night with the 2nd witness and went on his journey with the memorialist. He was not seen alive after that. The 2nd witness saw the memorialist returning alone with the cart and bulls next morning and was told by him that as the bulls were ill he had left the Jungum at a village called Chittinadugu on the way to Madakasira and sent him forward on another cart going there. While he himself returned by the direction of another village where he had relatives. The memorialist was seen going in that direction which is not the direct road by the 2nd witness. Three days afterwards the body of the Jungum was discovered some four or five miles from the village and was identified by the 2nd witness. The Post-mortem examination clearly showed that death was due to violence. The memorialist seems to have borne a bad reputation as a thief.

and was registered as a K.D with the Police. So the Village Munsiff under whose surveillance he was sent to observe him two or three days afterwards. He (the accused) told him that the cattle bells belonged to him and that he had hired them to a Jenmy from Chittadoy to Nadakkara and that as his bulls had taken ill he had returned. The Munsiff then examined the vessels bottles bags etc which further strengthened his suspicions and so he communicated with the Police. Hearing also that a body newly buried had been discovered by some cowboys he had it dug up and took prompt action. The Munsiff admitted before the Committing Magistrate and the Sessions Judge that he accompanied the Jenmy and that he was not seen by him after he went to take his supper in the house of the 2nd witness. He tried to throw the whole suspicion on the 2nd witness. In the memorial he states that the Village Munsiff has concocted the case against him with the aid of the Village Police. Thus there is strong circumstan

Circumstantial evidence
against the accused.
In considering the
value of direct evidence
the ~~Learned~~ Judge (Magistrate) has
not passed the extreme
penalty of the law. But the Chief Court,
on appeal, say that the circumstantial evidence is
perfectly satisfactory
& that, had a capital
sentence been passed,
they would not have
hesitated to confirm it.

Submitted for orders

Phi
22/7/02

24/7

24.7.02

The Dewan.

RD
25.7.02
5358

5

The evidence adduced in this Case against the memorialist has been believed as con-clusive by all the Judges of the Chief Court. The prisoner is said to be a bad character. He had been engaged by the deceased to drive his cart. On the way it has been clearly established that the prisoner murdered the deceased person - and the sentence of transportation passed upon him has been remarked by the Judges of the Chief Court who heard this Case in appeal, as but too lenient. They would not have hesitated to confirm a sentence of death. Under these circumstances I beg respectfully to suggest that the memorial may be rejected by Her Highness -

25.VII 02 W.C.B.

Submitted
J.R.C.
29 July 1902

5

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25.VII.02 Chief.

Submitted.
H.H.
29 July 1902

GOVERNMENT OF MYSORE

In the Matter of a Memorial presented by Thippuga, accused in Sessions Case No. 24 of 1901-2, and appellant in Criminal Appeal Case No. 256 of 1901-2, on the file of the Chief Court, praying that the sentence of transportation for life passed upon him may be set aside and that he may be released.

Her Highness the Maharani-Regent

has been pleased to pass the following

Order.

The offence of murder has been held by the Chief Court to have been clearly established against the memorialist. The Judge of the Chief Court who tried the prisoner characterises the act as being "an atrocious murder committed in cold blood". The appellate Judges would not have hesitated to confirm a sentence of death if it had been passed. There are no grounds for the exercise of the royal prerogative of mercy and the memorial is rejected.

Kempanayammanie
3-8-02

Recd 11-8-02

Issued 25.VII.02 6.8.02

6

GOVERNMENT OF MYSORE

In the Matter of a Memorial presented by Thippaya, accused in Sessions Case No. 24 of 1901.2, and appellant in Criminal Appeal Case No. 256 of 1901.2, on the file of the Chief Court, praying that the sentence of transportation for life passed upon him may be set aside and that he may be released.

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Kempanayammanie
3-8-02

Recd 11.8.02

25.VII.02 6.8.02

(General Serial No. 30.)

1

OFFICE
Regd. 811. ~~189~~ 1902-03.
21 JUL. 1902
997

From The Registrar of the Chief Court, Mysore

To The Secretary to the Govt of Mysore

Dated 18 July 1902

Despatched 19 —

Received

Enclosures No. 3 with Memo

General No. 469

No. 19.

Forwards a memorial addressed to H.H. the Maharaja Regent by Thippaya, accused in Sundur Sessions case N 24 of 1901-02 & Appellant in Criminal appeal N. 256 of 1901-02 on the file of the Chief Court

Read & submitted with a note

22/7/02

No 669 Rec: 3
19 with Records

Bangalore 18th July 1902.

From

V. a. Rajaratna Iyengar:
Registrar of the Chief Court
of Mysore.

To

H. V. Nanjundayya Esqre: B.A., B.L.
Secretary to the Government of
Mysore
Genl: & Rev: Departments.

Sir,

I am directed to forward a Memorial (with an English translation) addressed to H.H. the Maharani Regent by Thippaya, accused in Tumkur Sessions Case No. 24 of 1901-02 and appellant in Criminal Appeal No. 256 of 1901-02, on the file of this Court.

The entire record of the case is herewith forwarded.

I have the honor to be,
Sir,
Your most obedient Servant,

V. Raja Ratnam
Registrar.

2

№ 669/19 Encl: 3 with Records

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The entire record of the case is herewith forwarded.

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Sir,
Your most obedient Servant,

V. Rajaratnam
Registrar.

Encl

GOVERNMENT OF MYSORE

To Enclosure No 2

Her Highness the Maharani
Regent of Mysore

The humble Memorial of Thippiga,
prisoner in the Central Jail, Bangalore,
against the Judgment passed by the
Chief Court in Cr: Appeal No. 256 of 1901-02
respectfully sheweth thus:—

I was living in Gowdanakunty
Village, Madaksira Taluk in His Majesty's
Territories. There was enmity between me
& the Patel of the said Village Viz Nagaraja for a very long time. For the purpose of
carrying on my own trade, I had kept a
Cart & Bullocks & was earning my
livelihood thereby. The Patel, owing to
his bearing malice (Adavat) agt. me, caused
some dead body that had been buried
somewhere, to be removed out & then caused
a false Complaint to be lodged to the effect
that I committed the murder & then con-
-cocted evidence with the aid of Police
& other witnesses & thus unjustly has caused

4

me to suffer imprisonment for life & has also misappropriated my Cart & bullocks, thus wreaked his vengeance on me. I who was earning my livelihood by trade, had no reason to commit murder. All this was due to the grudge the village patel had against me. I solemnly swear that I did not commit such an offence. I made this statement before the Committing Magistrate as well as before the Sessions Judge. But they relying on the local Records, did not believe ~~it being~~ a helpless man's statement. Though I am innocent, I have been convicted.

I submissively pray that Your Highness will be pleased, on perusal of the Records, to order my Release.

Mark of Thippaya

ಸಂಖ್ಯೆ ಸಿಂಧನೂರು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ಸಾಮಾನ್ಯ ಸಭೆಯ ನಡವಳಿ

ದಿನಾಂಕ ಸಮಯ ಸ್ಥಳ ಹಾಜರಿದ್ದ ಸದಸ್ಯರ ಹೆಸರು

ಸಂಖ್ಯೆ ಸಿಂಧನೂ/ಪಪಂ/ಸಾಸಭೆ/2019-20 ದಿನಾಂಕ 10/01/2020 ರಂದು ಬೆಳಿಗ್ಗೆ 10.30 ಗಂಟೆಗೆ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ಸಭಾಂಗಣದಲ್ಲಿ ಸಾಮಾನ್ಯ ಸಭೆಯನ್ನು ಕರೆಯಲಾಗಿತ್ತು.

ಅಧ್ಯಕ್ಷರು ಸಭೆಯನ್ನು ಉದ್ದೇಶಿಸಿ ಮಾತನಾಡಿ ಸಭೆಯ ಕಾರ್ಯಸೂಚಿಯಲ್ಲಿ ಇರುವ ವಿಷಯಗಳನ್ನು ಚರ್ಚಿಸಲು ಪ್ರಾರಂಭಿಸಿದರು.

ಸಿಂಧನೂರು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಕೆಲವು ಪ್ರದೇಶಗಳಲ್ಲಿ ಕುಡಿಯುವ ನೀರಿನ ಸಮಸ್ಯೆ ಇರುವುದರಿಂದ ಆ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕೊಳವೆ ಬಾವಿಗಳನ್ನು ಕೊರೆಸಲು ಸಭೆಯಲ್ಲಿ ಚರ್ಚಿಸಲಾಯಿತು. ಸಿಂಧನೂರು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಕೆಲವು ಪ್ರದೇಶಗಳಲ್ಲಿ ಕುಡಿಯುವ ನೀರಿನ ಸಮಸ್ಯೆ ಇರುವುದರಿಂದ ಆ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕೊಳವೆ ಬಾವಿಗಳನ್ನು ಕೊರೆಸಲು ಸಭೆಯಲ್ಲಿ ಚರ್ಚಿಸಲಾಯಿತು. ಸಿಂಧನೂರು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಕೆಲವು ಪ್ರದೇಶಗಳಲ್ಲಿ ಕುಡಿಯುವ ನೀರಿನ ಸಮಸ್ಯೆ ಇರುವುದರಿಂದ ಆ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕೊಳವೆ ಬಾವಿಗಳನ್ನು ಕೊರೆಸಲು ಸಭೆಯಲ್ಲಿ ಚರ್ಚಿಸಲಾಯಿತು. ಸಿಂಧನೂರು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಕೆಲವು ಪ್ರದೇಶಗಳಲ್ಲಿ ಕುಡಿಯುವ ನೀರಿನ ಸಮಸ್ಯೆ ಇರುವುದರಿಂದ ಆ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕೊಳವೆ ಬಾವಿಗಳನ್ನು ಕೊರೆಸಲು ಸಭೆಯಲ್ಲಿ ಚರ್ಚಿಸಲಾಯಿತು. ಸಿಂಧನೂರು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಕೆಲವು ಪ್ರದೇಶಗಳಲ್ಲಿ ಕುಡಿಯುವ ನೀರಿನ ಸಮಸ್ಯೆ ಇರುವುದರಿಂದ ಆ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕೊಳವೆ ಬಾವಿಗಳನ್ನು ಕೊರೆಸಲು ಸಭೆಯಲ್ಲಿ ಚರ್ಚಿಸಲಾಯಿತು. ಸಿಂಧನೂರು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಕೆಲವು ಪ್ರದೇಶಗಳಲ್ಲಿ ಕುಡಿಯುವ ನೀರಿನ ಸಮಸ್ಯೆ ಇರುವುದರಿಂದ ಆ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕೊಳವೆ ಬಾವಿಗಳನ್ನು ಕೊರೆಸಲು ಸಭೆಯಲ್ಲಿ ಚರ್ಚಿಸಲಾಯಿತು.

In the Chief Court of Mysore at Bangalore.

Friday the 11th day of April 1902.

Present

The Hon'ble Justice J.W. Best, Chief Judge

and

The Hon'ble Justice A. Ramachandra Iyar, Judge

Petition of Criminal appeal No 256 of 1901-02 against the conviction and sentence by the Hon'ble Justice A. Rangasami Iyengar Judge of this Court under Section 302 of the Indian Penal Code in Tumkur Sessions Case No 24 of 1901-02. — Appellant Thippaga (accused)

Judgment

The appellant's present statement that he "did not go with the Jangam Basavia nor did he know him" is at variance with appellant's statement before the Committing Magistrate in Exhibit H, that he and the said Basavia "left out from the Mutt to bring grain" taking with them the the cart and bullocks from the Mutt.

The learned Judge has assigned good and sufficient reasons for believing the evidence of the witnesses examined for the prosecution which leave no room for doubt that it was the appellant who murdered the deceased.

The

The only circumstance in appellant's favor as to the sentence, which might be taken to indicate a doubt in the Judge's mind as to the guilt of the appellant, and the reason given for not passing a Capital Sentence, viz, "as the offence rests only on circumstantial evidence," seems to allow that there is room for doubt. But we are perfectly satisfied as to the fact of the appellant being the murderer of the deceased Bacavia; and had a capital sentence been passed, we should not have hesitated to confirm it. This appeal is dismissed.

A true Copy

Extd by [illegible]

[illegible]
Registrar

Draft 9

P-LY
1-02 To.
3.

The Registrar of the
Chief Court of Mysore

Dated 16th August 1902.
No 2408
J200

Sir,

I am directed to forward herewith for the information of the judges and for communication to the prisoner Thippaya, now undergoing sentence of transportation for life in the Central Jail, Bangalore, copy of order passed by Her Highness the Maharani Regent, on the prisoners memorial respecting the same,

2. The entire records received with your letter

No

No 449/19 dated 18th July 902
are herewith returned.

I have etca

for Secretary